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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,659	11/13/2003	Francis Bourrieres	N48.2I-11373-US01	2594

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VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE, MN 55344

EXAMINER	
JOHNS, CHRISTOPHER C	
ART UNIT	PAPER NUMBER
3621	

MAIL DATE	DELIVERY MODE
11/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/712,659	BOURRIERES ET AL.	
	Examiner	Art Unit	
	Christopher C. Johns	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 C.F.R. §1.114

1. A request for continued examination ("RCE") under 37 C.F.R. §1.114, including the fee set forth in 37 C.F.R. §1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 C.F.R. §1.114, and the fee set forth in 37 C.F.R. §1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 C.F.R. §1.114. Applicant's submission filed on 15 May 2008, and Request filed 25 June 2008, have both been entered.

Acknowledgements

2. In light of the RCE above, claims 1-4 and 9 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over United Kingdom Patent 2,304,077 ("Farrall"), in view of US Patent 5,657,389 A ("Houvener"), further in view of United States Patent 6,584,214 ("Pappu").

5. As per claim 1, Farrall discloses:

6. a unique…identifier…physically integrated in the medium comprising a number (page 2, paragraph 6 – "relies on a signature set derived from a totally random feature – the presence of shiny metallic particles randomly distributed in three dimensions throughout the very fabric of the device which is conveniently illustrated in the form of a card");

7. identifier constitutes an unforgeable link (page 3, paragraph 2 – "Anyone attempting to duplicate a card made by the Crystal Chip process faces the problem of duplicating the exact individual distribution – and orientation – of possibly hundreds of minute metal fragments") between the number and information stored under the same number in a database (page 9, paragraph 1 – "purpose of this system is the identify the card offered and to compare its Crystal signature with the card holder details held on file");

8. stored information comprises at least one representation of the identifier comprising an image of the unique identifier (page 9, paragraph 1 – "purpose of this system is the identify the card offered and to compare its Crystal signature with the card holder details held on file").

9. Farrall does not disclose:

10. a call is made to the database, the stored signature is re-transmitted to a terminal monitor and/or a printer on which the image appears, an operator makes a visual comparison between the identifier located on the medium and its signature displayed on the terminal and/or on the receipt of the printer; or

a. Houvener discloses a system for "positive identification" where a terminal operator would be able to determine whether the information presented is valid for the user – see figure 1, reference numbers 2, 6, 6'; column 6, lines 49-50: "display the

information on display means"; column 7, lines 12-20. The operator must "visually compare the image displayed on the display means with the...signature of the person presenting the credit card at the point of verification" (column 6, lines 60-65). It performs this to positively identify identities of users holding cards, to prevent fraud and misuse of financial information and resources.

b. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention in Farrall with the operator-approving method in Houvener, because it would provide for another method of verifying the user to be who he claims to be.

11. that the identifier is a volume-based identifier containing bubbles of random size, shape, and arrangement which are clearly perceived in form size and relative position.

c. Neither Farrall, Houvener, nor the combination of the two references explicitly disclose an identifier clearly perceived in form size and relative position. Pappu teaches an identifier for "authentication and validation of currency, identification cards, and documents" (column 1, lines 10-15). Said identifier may be comprised of "voids (i.e. bubbles or cavities) or particles permanently fixed within a polymeric matrix". The identifiers are compared to pre-stored "validating indicia" (see especially claim 1), in order to validate their authenticity (as well as the document that it is attached to). This is done in order to generate a "unique identifier" (Abstract) for documents in order to better identify them and their authenticity.

d. The sole difference between the reference and the instant application is that the reference does not disclose a bubble identifier in place of reflective particles. Since each

individual identification system and its function are shown in the prior art (though in different references), the difference between the claimed subject matter and the prior art rests not on an individual element or function, but the combination itself – that is, in the substitution of a bubble identifier in Farrall. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Pappu's bubble identifier in place of Farrall's reflective particles, because the simple substitution of one known element for another, producing a predictable result, renders the claim obvious.

12. As per claims 2-4, Farrall discloses:

13. number recorded on the medium by means of a magnetic strip or tape, number recorded in the medium by means of a linear bar code or two-dimensional code, number recorded on the medium by means of an electronic chip or radio frequency chip (these features are all inherent and/or were extremely well-known to those skilled in the art of smart/credit cards at the time of the invention, which are in use in the system in Farrall).

14. As per claim 9, Farrall teaches:

15. bubbles are self-generated (Pappu, claim 2 - "structure is inhomogeneous"; also, the bubbles are inherently formed in some way).

Response to Arguments

16. Applicants' arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

17. **Examiner's Note:** Although Examiner has cited particular columns, line numbers and figures in the references as applied to the claims above for the convenience of the applicant(s), the specified citations are merely representative of the teaching of the prior art that are applied to specific limitations within the individual claim and other passages and figures may apply as well. It is respectfully requested that the applicant(s), in preparing the response, fully consider the items of evidence in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. Furthermore, it must be noted that the documents cited on any enclosed PTO-892 or PTO-1449 form are cited in their entirety.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher C. Johns whose telephone number is (571)270-3462. The examiner can normally be reached on Monday - Friday, 9 am to 5 pm.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher C Johns
Examiner
Art Unit 3621

CCJ

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621